

Testimony to Committee on Public Safety and Security
March 14, 2013
S.B. 1076

Dear ladies and Gentlemen of the Committee:

I appreciate your response to the public outcry to hold public hearings on a matter as important as gun control and public safety, specifically on S.B. 1076.

Although S.B. 1076 is a very long and complicated piece of legislation, I have read it cover to cover no fewer than 4 times. I am shocked and amazed at the number of ex-post facto penalties and constitutionally questionable items that are incorporated into this bill. I am **STRONGLY OPPOSED** to many provisions in this bill as it **SEVERELY** restricts the rights of Connecticut citizens to protect and defend themselves. It also (most surprisingly) provides for **THE CONFISCATION OF PERSONAL PROPERTY, PREVIOUSLY LEGALLY PURCHASED AND OWNED BY CONNECTICUT CITIZENS!** See Section 40 of the bill.

There are no doubt many brilliant legal minds currently at the State Legislature. However, I am appalled by the apparent willingness to ignore not only the State and Federal Constitutions but also recent Supreme Court decisions clarifying these rights.

Article 1, Section 9, Clause 3 of the U.S. Constitution expressly forbids ex post facto laws. However, the registration provisions of the "assault weapons" expansion clearly make it a **FELONY** to possess firearms that were previously legally owned. This is an amazingly harsh penalty to apply after the fact to the purchase of a firearm that was legally owned. Not to mention that the requirements specified for continued ownership of a legal item are **EXTREMELY ONEROUS**.

However, the **MOST** heinous and egregious parts of S.B.1076 are the registration provisions for **EVERY FIREARM OWNER**. Section 40 of the bill states:

Sec. 40. (NEW) (Effective July 1, 2013) (a) When a decision to deny an application to register, to renew a registration card or to revoke a registration card becomes final, the applicant or registrant shall immediately surrender to the Department of Emergency Services and Public Protection the firearm for which the applicant was denied registration or renewal or for which the registration card was revoked.

(b) If an applicant or registrant fails to surrender his or her firearm to the department after he or she receives notice that the decision to deny an application to register, to renew a registration card or to revoke a registration card becomes final, the department shall retrieve the firearm within forty-eight hours.

There are 14 listed provisions that every firearm owner must follow for **EACH FIREARM**, in order to even be **CONSIDERED** for a registration permit. The bill states that if **ANY** of this information is not provided, then registration will be denied. The last provision is "Any additional information the Department deems necessary" which is simply legal-ease for "we can make any rule we want."

A further investigation into section 40, sec. b, **SPECIFICALLY PROVIDES FOR SEIZURE OF LEGALLY OWNED FIREARMS, WITHIN 48 HOURS!!!** If the department denies a registration application for **ANY REASON**, then the State has the right to **CONFISCATE YOUR FIREARM!** This provision, when put into practice, means that if I can't recall the phone number of someone that I bought a gun from 25 years ago, then not only will my registration be automatically denied but that firearm will be **SIEZED BY THE STATE!**

It is unbelievable that **ANY** elected public official would be willing to even propose, much less vote for a bill that amounts to a **GOVERNMENT CONFISCATION OF LEGALLY-OWNED PRIVATE PROPERTY**. It is **FAR** worse that you would be willing to do so under the flag of public safety! **THIS BILL REPRESENTS THE WORST EXAMPLE OF GOVERNMENT INTRUSION AND OVERREACH IN THE LAST 150 YEARS!!!**

Regarding the so-called "assault weapons ban", the ownership of a semi-automatic rifle **IS A LEGAL RIGHT**, per Justice Scalia's majority opinion in the *DC v. Heller* case. He specifically refers to the protection of "**FIREARMS IN COMMON USE**" as being those that are protected under the 2nd Amendment. This is **NOT** ambiguous and has **NOTHING** to do with the potential "limitations" that he also mentions in his summary opinion. The AR platform rifle **IS THE SINGLE MOST POPULAR RIFLE IN THE COUNTRY TODAY**. How can you possibly read the language from the Supreme Court and attempt to pass a bill that so basically violates this decision??

If you were to read Justice Scalia's entire opinion, you will find that he even **SPECIFICALLY STATES** that civilian ownership of even fully automatic weapons, "M-16's and the like" is acceptable under the prefatory clause in the 2nd Amendment. I have included that language below, for those of you that have not read the full opinion. Now, I am **NOT** advocating mass ownership of fully automatic weapons. However, again, how can you actually read this opinion and decide that it is in your purveyance to ban ownership of virtually **ALL** semi-automatic sporting rifles???

By passing this legislation, YOU will be turning law-abiding Connecticut citizens into felons by decree. I would assume that most of you have extensive knowledge of political history throughout the U.S. and the rest of the world. The first act of a tyrannical government is ALWAYS to vilify previous law abiding citizens that disagree with the government. When you wonder why the public outcry is so severe on this and other legislation, then you need only to look at history and the way that things are developing in the State of Connecticut.

As written, S.B. 1076 proves just how intrusive and tyrannical government can potentially become. There are SO many unacceptable provisions in this bill that it is simply NOT fixable and should be COMPLETELY SHREDDED!
THOSE SENATORS THAT HAVE BEEN WILLING TO PROPOSE SUCH A BILL ARE IN FACT UNFIT FOR PUBLIC SERVICE.

Regards,

Bob Ferguson
Appendix

U.S. Supreme Court
DC v. Heller

- Scalia, on Justice Stevens' dissent, Sec E, III

- It may be objected that if weapons that are most useful in military service — M-16 rifles and the like — may be banned, then the SecondAmendment right is completely detached from the prefatory clause. But as we have said, the conception of the militia at the time of the SecondAmendment's ratification was the body of all citizens capable of military service, who would bring the sorts of lawful weapons that they possessed at home to militia duty. It may well be true today that a militia, to be as effective as militias in the 18th century, would require sophisticated arms that are highly unusual in society at large. [***31]Indeed, it may be true that no amount of small arms could be useful against modern-day bombers and tanks. But the fact that modern developments have limited the degree of fit between the prefatory clause and the protected right cannot change our interpretation of the right.